



W.P(MD)No.2062 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.2062 of 2023

and

W.M.P(MD)No.1843 of 2023

U.Sivagnanapandiyan

... Petitioner

Vs

- 1.The District Collector,
Tenkasi, Tenkasi District.
- 2.The Tahsildar, Sivagiri Taluk,
Tenkasi District.
- 3.The Executive Engineer,
Malvaippar Basin Division,
Publics Works Department,
(Water resources Organization),
Rajapalayam,
Virudhunagar District.
- 4.The Assistant Engineer,
Publics Works Department,
Water resources Organization,
Melvaippar Sub Division,
Sankarankovil, Tenkasi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus, forbearing the respondents from



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conducting public auction of the fishery right in Sindamani and Paraikulam Tank situated in Nelkattumseval Village, Sivagiri Taluk, Tenkasi District for the year 2023.

For Petitioner : Mr.RJ.Karthick

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2.The petitioner is an ayacutdhar in respect of the petition mentioned water body. The respondent Department proposes to conduct auction in respect of fishery rights. The case of the petitioner is that water level at present is very low and if fishing rights are auctioned, the lessee will have to close the gates and as a result water flow for agricultural operations will be totally impeded and therefore fishery auction should not be conducted.

3.The fourth respondent has given written instruction to the effect that even if auction is conducted, the rights of the ayacutdhar will not be affected. The learned Additional Government Pleader has drawn my attention to the relevant conditions set out in G.O(Ms)No.201 Animal Husbandry, Dairying and Fisheries Department dated 19.10.2017. Be that as it may, it is seen that the



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petitioner has given a representation dated 21.01.2023. The auction is proposed to be held only on 15.02.2023. The third respondent will consider the petitioner's representation and take a decision on or before 13.02.2023.

4.This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

08.02.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

Note: Issue Order Copy on 09.02.2023.

To

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G.R.SWAMINATHAN, J.

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